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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,520	08/18/2003	Atsushi Shimamura	62807-135	1579
20277 7590 08/18/2009 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER ONYEZIA, CHUKS N	
			ART UNIT 3691	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/642,520

Applicant(s)

SHIMAMURA ET AL.

Examiner

CHUKS ONYEZIA

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/26/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-11 and 13-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, and 13-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/26/2009 has been entered.

Response to Amendment

2. Acknowledgement is made to applicant's amendments filed 05/26/2009. Examiner notes that applicant has amended claims 1, 3, 5, and 9, 11, 14, and 16. Claims 1-6, 8-11, and 13-16 are currently presented and have been fully considered.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. The claimed invention is directed to non-statutory subject matter. Claim 16 is directed to a system claim however the

components consist of processing portions, which examiner views as potential software components.

Claim Rejections - 35 USC § 103

5. Claims 1-6, 8-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stack et al. US Patent Publication No. 2002/0063153 A1 (PTO-892 Reference A), in view of Musmanno et al. US Patent No. 4,774,663 (PTO-892 Reference C) and Moon et al. US Patent Publication No. 2004/0010462 A1 (PTO-892 Reference D).

6. As per claim 1 Stack teaches, A method for managing money of a customer who has an account in a plurality of financial institutions Wherein each account is a deposit account capable of retaining money of the customer, the method comprising the steps of:

- ✓ (a) storing account information in a storage device (see Stack ¶ [0006], the method and system of the present invention makes use, for example, of computer hardware and software in managing the dual function transaction card account)
- ✓ Said account information including money-account information about a predetermined money amount for said account (see Stack ¶ [0013], At the end of each billing

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- cycle, the cardmember is allowed to elect either a first minimum due option of paying off the charges in the charge bucket in full or a second minimum due option of payment of a predetermined fraction of the entire balance of the charges in the charge bucket),
- ✓ As an upper-limit deposit amount for each of the accounts, (see Stack ¶ [0026], The cardmember transacts each month, and a monthly account statement is issued informing the cardmember of the amount of the balance that can be revolved "revolving credit limit" and the amount over and above the revolving credit limit that must be paid in full)
 - ✓ individual information of said customer, and an identification number for identifying an account in each of said financial institutions of said customer ((see Stack ¶ [0026], The cardmember transacts each month, and a monthly account statement is issued informing the cardmember of the amount of the balance that can be revolved "revolving credit limit" and the amount over and above the revolving credit limit that must be paid in full);
 - ✓ (b) when money is paid in an account of one of said financial institutions from said customer, receiving,

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from said one of said financial institutions, pay-in money information including and amount of the pay-in money (see Stack ¶ [0038], Should the cardmember make a partial payment, such as at least the Minimum Due Option 2, indicating that he or she wants the remaining portion of the cardmember's balance to enter revolving status, . . . The cardmember is informed by message statement on the next first statement after the cardmember 10 becomes past due that his or her balance is past due);

- ✓ (c) identifying an account in said financial institutions, based on the identification number in said account information of said customer (see Stack ¶ [0009]);

However Stack does not explicitly teach;

- ✓ (d) enquiring of a financial institution having the identified account to receive outstanding-amount information including and outstanding amount of said identified account of the customer.
- ✓ (e) judging whether a post-pay-in outstanding amount obtained by adding a money amount based on the amount of said pay-in money to said outstanding amount of the identified account exceeds said upper limit deposit amount or not, determining a distribution pay-in money

amount to be distributed to the identified account so as not to exceed said upper limit deposit amount, if said post pay-in outstanding amount would have exceeded said upper limit deposit amount; and

- ✓ (f) instructing the identified account so as to pay said determined distribution pay-in money amount to said identified deposit account of the customer.

Musmanno discloses the uses multiple deposit accounts of a customer, making judgments on how much to deposit in multiple deposit accounts as to not exceed a banking institution's max insurance threshold, and making the distributions into customer's deposit accounts (See Musmanno Col 5 Ln 50 - Col 6 Ln 12). it would have been obvious to combine the functions of a transaction card with the Musmanno for the purpose of allowing for the management of funds thru a consolidation of platforms as discussed in Moon Paragraph [0008]

As per claim 2 Stack further teaches, (g) paying said pay-in money amount into a common account that can retain money of a plurality of customers, wherein said step (f) instructs to transfer said pay-in money amount from said common account to said account in each of said financial institutions (see Musmanno Col 5 Lns 50-58) examiner

interprets the money market account as a common account for a plurality of customers that chose that money market.

7. As per claim 3 Stack does not teaches (g) identifying a financial institution where said customer has opened no account from a list stored in said storage device and said information about said account of each of said financial institution where said customer has said account, to transmit said individual information of said customer to said financial institution where said customer has opened no account and also request to open a new account of said customer; (h) receiving from said financial institution said information about said opened account of said customer; and (i) additionally writing said received information about accounts of said customer into said information about said account of said customer in said storage device. However it is a common and well known practice of credit card companies and banks not allow balance transfers from cards held by the same bank. For example, bank X issued multiple cards to a user, user would not be allowed to make payments of transfer balances between those cards issued be bank X. also it is a well known practice spread deposits over multiple differing banking institutions to insure FDIC coverage, as disclosed in Musmanno. It would be obvious to one of ordinary skill in the arts to open

an account with a new financial institution, for the purpose of diversification and to insure and secure ones money.

8. As per claim 4 Stack further teaches, (g) paying said pay-in money amount into a virtual account assigned to each customer, wherein said step (f) instructs to transfer said pay-in money amount from said virtual account to said account in each of said financial institutions (see Stack ¶ [0044]).

9. As per claim 5 Stack further teaches, step (e) further comprises the steps of:

- ✓ (g) subtracting said outstanding amount of a respective account from said upper limit deposit amount, to calculate a shortage for the account in each of said financial institutions (see Stack ¶ [0028]), examiner interprets that the calculation on a New Total Balance as a shortage calculation;
- ✓ (h) deciding whether said pay-in money amount exceeds said shortage for each of said accounts in each of the account (see Stack ¶ [0028]);
- ✓ (i) if it is decided that said pay-in money amount does not exceed said shortage, determining said pay-in money amount to be a distribution pay-in money amount for the identified account (see Stack ¶ [0028] a Total Minimum Due is calculated, which includes the minimum due for the

revolving balance and the full amount of the transacting balance above the revolving credit limit);

- ✓ (j) if it is decided that said pay-in money amount exceeds said shortage, determining said shortage to be said distribution pay-in money amount for said identified account determining an amount obtained by subtracting said shortage from said pay-in money amount to be said pay-in money amount, to repeat from said step (h) to said step (i) on accounts other than said account for which said pay-in money amount is determined (see Stack ¶ [0028] a Total Minimum Due is calculated, which includes the minimum due for the revolving balance and the full amount of the transacting balance above the revolving credit limit).

10. As per claim 6 Stack does not directly teach step (e) determines said distribution pay-in money amount for said accounts in a descending order of said shortage. However, Stack teaches the use of a computer hardware and software to manage a transaction card account (see Stack ¶ [0006]). It would have been obvious to one of ordinary skill in the arts to use the computer system of Stack to sort pay-in amounts from highest to lowest, for the purpose of making use of one of a list well known computer functions.

11. As per claim 8 Stack does not directly teach if said pay-in money amount has a surplus as a result of determining said distribution pay-in money amount for all accounts of said customer, said step (e) divides said pay-in money amount surplus by the number of said accounts of said customer and adds an amount obtained by said division to said distribution pay-in money amount for each of said accounts. However, examiner notes that it is a common and well known practice, in debt consolidation, to collect a user's payment and divide any surplus evenly amongst creditors. It would have been obvious to combine the teachings of stack with this well known debt consolidation practice for the purpose of following a well known practice in the area of credit management.

12. Claims 9 and 10 are rejected using logic similar to those used in the rejection of claims 1 and 2.

13. Claims 11, 13-15 are rejected using logic similar to those used in the rejection of claims 1, 5, and 2-4 respectfully.

14. Claim 16 is rejected using logic similar to that used in the rejection of claim 1.

Response to Arguments

15. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUKS ONYEZIA whose telephone number is (571)270-1372. The examiner can normally be reached on Monday - Thursday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/C. Onyezia/

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